

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0522

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROLAND DEE TIREY,

Defendant and Appellant.

FILED

DEC 01 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 10, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 1st day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: _____


JOSLYN HUNT

Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is presently due on December 10, 2009. This is Appellant's first extension request; however, I am requesting longer than the usual 30-day extension for the following reasons.

4. In December, I have two opening briefs and four reply briefs due. I also have mandatory training scheduled for two days, as well as a two-day commission meeting for which I must present reports on four large areas of interest for the commission and a brief on another area of interest. Finally, as part of my management duties, I am conducting a moot for one of our appellate attorneys in preparation for his oral argument, as well as mentoring the new appellate attorney who will begin work for the office the first week of December.

5. In order to ensure the most thorough review of Appellant's case file, given my other responsibilities, I am requesting an extension of time of 90 days within which to prepare, file, and serve Appellant's opening brief.

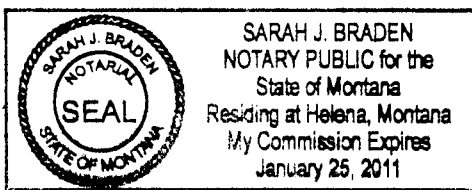
6. I will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 1st day of December, 2009.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

ED CORRIGAN
Flathead County Attorney
Justice Center
P.O. Box 1516
Kalispell, MT 59903-1516

ROLAND TIREY 40574
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

12/1/2009

